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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,763	12/19/2000	Uwe Hansmann	DE919990078	5393

7590 09/22/2003

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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 09/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,763

Applicant(s)

HANSMANN ET AL.

Examiner

Insun Kang

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responding to application papers dated 12/19/2000

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the use of the legal phraseology such as "said" (Ln 8-11) and "means" (Ln 6) are used. Also, the abstract contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claim 11, the phrase "such as" in Pg. 33, Ln 8, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5-7, 9, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson et al. (U.S. Patent 6,308,317).

In regard to claim 1, Wilkinson et al. show a method for providing a set of software components out of which a software application to be executed by an apparatus comprising processor means and memory means can be partly or entirely assembled, said method comprising (Fig 13, 14): assigning a different numeric identifier to each component of said set of software components; and storing each assigned numeric identifier in the corresponding component. See Col.9, Ln 32-40.

In regard to claim 2, Wilkinson et al. show the method of claim 1, wherein the numeric identifier comprises a bit-length of 8 or 16 bit. See Col.9, Ln 29-41.

In regard to claim 5, Wilkinson et al. show the method of claim 1; further comprising providing said apparatus with a full Java Virtual Machine being able to execute every Java instruction. See Col 13, Ln 13-27. Col 1, Ln 29-34.

In regard to claim 6, Wilkinson et al. show the method of claim 1, further comprising providing said apparatus with a limited Java Virtual Machine being able to execute only certain Java instructions. See Col 13, Ln 13-27.

In regard to claim 7, Wilkinson et al. show a system comprising means adapted for carrying out the steps of claim 1. See Fig, 13, 19, 20, Col 11, Ln 59 – Col12, Ln 14

In regard to claim 9, Wilkinson et al. show a computer program product loadable into memory means of a digital computer, comprising software code for performing the steps of claim 1. See Fig 14. Col 12, Ln 49-64.

In regard to claim 11, Wilkinson et al. show a device comprising processor means and memory means, such as a chip card, a Java Card, a set-top box or a Personal Digital Assistant, in which a set of software components is stored, wherein each of said software components comprises a different numeric identifier, preferably comprising a bit-length of 8 or 16 bits. See Col.9.

In regard to claim 12, Wilkinson et al. show the device of claim 11, further comprising: a stored software application; and means for instantiating said software components upon request of said software application. See Fig 14 and 15, Col 11, Ln 48 – Col 12, Ln 48.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson et al. in view of Sherer et al. (U.S. Patent 5,459,854).

In regard to claim 3, Wilkinson et al. show a method comprising assigning a different numeric identifier to each component of said set of software and storing each assigned numeric identifier in the corresponding component but do not show the method further comprising loading two or more of said components together in the same step into said memory means of said apparatus, and storing said components therein.

Sherer et al. teach that loading two or more components simultaneously into said memory in an analogous art optimizes memory usage. Any unneeded portions of memory are freed for use by other components and the needed portions are relocated into a contiguous memory space to minimize the memory usage. See Col 3, lines 7-21, Col 5-6.

Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to further modify Wilkinson et al.'s method comprising assigning a different numeric identifier to each component of a set of

software components and storing each assigned numeric identifier in the corresponding component to include Sherer et al.'s memory optimization strategy.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to include the method of loading two or more components together into memory to optimize memory usage and fast code execution.

In regard to claim 4, Wilkinson et al. further teach the method of claim 3, further comprising: loading a software application into said apparatus and storing said software application in said memory means (Fig. 12); providing means for instantiating said loaded components upon request of said software application (Fig. 14); loading said means for instantiating into said apparatus; and storing said means for instantiating in said memory means (Fig. 14). See Col 11-12, Ln 59 – Col12, Ln 14.

In regard to claim 8, Wilkinson et al. further show a system comprising means adapted for carrying out the steps of claim 4. See Fig, 13, 19, 20, Col 11, Ln 59 – Col12, Ln 14.

In regard to claim 10, Wilkinson et al. further show a computer program product loadable into memory means of a digital computer, comprising software code for performing the steps of claim 4. See Fig 14. Col 12, Ln 49-64.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

IK

09/10/2003

A handwritten signature in black ink, appearing to read "John Chavis".

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124